

HOUSE BILL 214

By Hardaway

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 3, Part 6; Title 39; Title 40 and Title 41, relative to orders of protection.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-113(g), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(g)

(1) Except as provided in subdivisions (g)(1) and (2), a violation of this section is a Class A misdemeanor. Any sentence imposed shall be served consecutively to the sentence for any other offense that is based in whole or in part on the same factual allegations, unless the sentencing judge or magistrate specifically orders the sentences for the offenses arising out of the same facts to be served concurrently.

(2) In addition to the penalties for a Class A misdemeanor, a first violation of this section shall be punishable by court-appointed mandatory counseling for the defendant and optional counseling for the victim, the costs of such counseling to be paid solely by the defendant unless the defendant is determined by the court to be indigent.

(3) In addition to the penalties for a Class A misdemeanor, for each violation of this section subsequent to a first violation of this section, the defendant shall be fined three thousand dollars (\$3,000).

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it, and shall apply to all prohibited acts occurring on or after the effective date of this act.

